

*U.S. Patent Application Serial No. 10/767,842
Response filed November 13, 2007
Reply to OA dated July 13, 2007*

REMARKS

Claims 1-21 remain in this application. The claims have been amended in order to more particularly point out and distinctly claim the subject matter. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the outstanding Office Action.

Support. In the independent claims, the check codes being generated by a method unique to the system is supported in the specification at e.g., page 6, line 26.

The third and fourth check codes, and the step of comparing them to the first and second, are supported at page 15, lines 1-11, describing how the check codes C(A) and C(P) that were already created (see page 14, lines 1-2 and 7) are retrieved and compared with check codes created upon retrieval. The original check codes C(A) and C(P) are the first and second in claim 1, and the re-created check codes C(A) and C(P) are the third and fourth.

In response to the Office Action:

[4-7] Claims 3-5, 7-10, 12, 14, 15, and 18-21 are rejected under 35 U.S.C. § 112, Second Paragraph. Claims 3-5, 12, 14, and 15 are amended as suggested by the Examiner to recite a second public key-based electronic signature. Claim 7 is amended to depend from claim 6 instead of claim 1, which should overcome the rejection of claim 7. The claims have been amended to provide support for "certificate." Withdrawal of the rejection is requested.

[8-11] Claims 1-5 and 11-15 are rejected under 35 U.S.C. §102(e) as being anticipated by US 6,950,943 to Bacha. This rejection is respectfully traversed.

The Examiner applies text of Bacha that discusses a private signing key. The applied text explains that a document is sent for storage with a user's signing key, and the storage unit adds

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its own signing key (it "notarizes" the document). This is intended to prove that the document was received by the storage unit (col. 7, lines 4-6).

The Examiner asserts (page 4, line 3) that Bacha uses check codes, but gives no citation. With respect, it appears to the Applicants that nothing except for the signing keys is attached to the document by Bacha, and the notarization signing key of Bacha does not anticipate the claimed check code.

Bacha discloses only one notarization signing key. Claim 1 is amended to explicitly recite a plurality of check codes, and to explicitly state that one check code is attached to the stored electronic data and one is attached to the electronic signature. This amendment is believed to further distinguish over Bacha.

In addition, the added paragraph of claim 1 recites comparing the two check codes to newly-created check codes, which is an additional feature not disclosed by the reference.

Independent claim 2 recites a check code and, in the last paragraph, a second newly-created check code. Claim 2 also recites a data processing unit which verifies the validity of an electronic signature using the check code attached to the electronic signature. These features are not disclosed by Bacha.

The Applicants' exemplary check code is a function of the data. The Applicants use a "falsification detection check code ... created by an encryption algorithm unique to the system using ... the ... electronic data" (page 15, line 3). The Applicants' check code is *generated* within the data processing unit, and it is generated by a method *unique* to the system.

The remarks above also apply to the method claims.

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[12-14] Claims 1-5 and 11-15 are rejected under 35 U.S.C. §102(e) as being anticipated by JP 2000-059353 to Nakahara. This rejection is respectfully traversed.

Nakahara's Abstract states, "The system 38 generates a storage signature 58 with respect to the data 36 and the signature 37 by using a storage key ... and stores the storage signature 58 [and then] on a reference request ..., verifies the signature 58 by the storage key."

The Examiner is invited to note that when the data of Nakahara is retrieved, the storage signature 58 is *also* retrieved (Nakahara "stores" and then "reads" it from storage device 54); that is, it is not regenerated. It is like Bacha's user signing key, going along with the data. The Applicants' claim 2, for example, recites that a second check code is generated and this feature is not anticipated by Nakahara.

The storage signature 58, even assuming that it were to anticipate the Applicants' check code (not admitted), could not anticipate the claims such as 1, 11, and 13, which recite *two* check codes, one for data and one for electronic signature. Nakahara's signature 58 is generated based on *both* the data 36 and the signature 37.

The storage key cannot anticipate the Applicants' check codes or method unique to the system, because there is no disclosure of what it is or how it works.

[15-18] Claims 6-10 and 16-21 are rejected under 35 U.S.C. §103(a) as being obvious over Bacha in view of US 5,748,738 to Bisbee. This rejection is respectfully traversed on the basis of the dependence of these claims from allowable claims and that Bisbee is directed to a "physically secure" Certification Authority (col. 5, line 40), and appears to mimic the Applicant's prior-art Fig. 14, not the Applicants' subject matter.

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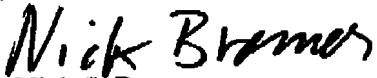
[19-21] Claims 6-10 and 16-21 are rejected under 35 U.S.C. §103(a) as being obvious over Nakahara in view of Bisbee. This rejection is respectfully traversed. The Applicants' arguments relating to Nakahara and Bisbee as discussed above apply to this rejection as well.

In view of the aforementioned amendments and accompanying remarks, the claims as amended are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant# undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

Respectfully submitted,

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Enclosure: Petition for Extension of Time.

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*I hereby certify that this correspondence is being facsimile transmitted to the Patent and
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Signature *Nick Bromer*